

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

AC2T, INC. D/B/A SPARTAN MOSQUITO

PLAINTIFF/
COUNTER-DEFENDANT

V.

CIVIL ACTION NO. 2:21-cv-00093-TBM-RPM

LIGHTS ON DISTRIBUTORS, LLC,
CCD WEBSTORE, LLC D/B/A THINK WEBSTORE,
CARTER CUSTOM DESIGN, LLC,
BRYAN CARTER, AND
JOHN DOES 1-10

DEFENDANTS/
COUNTER-PLAINTIFFS/
THIRD-PARTY PLAINTIFFS

V.

JEREMY HIRSCH, MATTHEW JACKSON,
AND JOHN DOES 1-50

THIRD-PARTY DEFENDANTS

**JOINT MOTION TO AMEND CASE MANAGEMENT ORDER [ECF 66]
AND EXTEND TIME TO RESPOND TO DISCOVERY REQUESTS**

COME NOW, Plaintiff/Counter-Defendant's AC2T, Inc. D/B/A Spartan Mosquito ("Spartan") and Third-Party Defendant Jeremy Hirsch ("Hirsch"), Defendants/Counter-Plaintiffs/Third-Party Plaintiffs Lights On Distributors, LLC ("LOD"), CCD Webstore, LLC D/B/A Think Webstore ("Think"), Carter Custom Design, LLC ("CCD"), and Bryan Carter ("Carter"), and Third-Party Defendant Matthew Jackson ("Jackson"), by and through undersigned counsel, and files and submit this their Joint Motion to Amend Case Management Order and Extend Time to Respond to Discovery Requests, and in support thereof state as follows:

1. On or about November 3, 2022, the Court entered its Case Management Order [ECF 66] setting scheduling deadlines in this case and setting the trial calendar to begin on January 2, 2024.

2. The Plaintiffs' expert designation deadline was set to March 13, 2023 and the Defendants' expert designation deadline was set to April 10, 2023. The discovery deadline was set to June 28, 2023 and the dispositive/*Daubert* motion deadline was set to July 12, 2023.

3. On December 9, 2022, Spartan propounded interrogatories and requests for production to Defendants LOD, Think, CCD and Carter [ECF 69-76].

4. On February 9, 2022, Defendants LOD, Think, CCD and Carter propounded interrogatories, requests for production, and requests for admission to Spartan and Hirsch [ECF 81-86].

5. On January 5, 2023 and on February 10, 2023 the Court held Settlement Conferences in this matter. Since the February 10, 2023 Settlement Conference, the Parties have continued to negotiate and to work toward resolution, and are hopeful that resolution will be forthcoming in the near future. Most recently, Defendants/Counter-Plaintiffs provided a proposed written settlement agreement on March 8, 2023. Plaintiff/Counter-Defendants expect to respond by no later than March 14, 2023.

6. The Parties request additional time toward resolving this matter. Therefore, the Parties ask that their responsibility to answer and respond to all of their respective discovery requests under Fed. R. Civ. P. 33, 34 and 36 be extended to April 7, 2023, the Plaintiffs' expert designation deadline be extended to May 5, 2023 and the Defendants' expert deadline be extended June 5, 2023. The Parties also request that the discovery deadline be extended to August 18, 2023 and the dispositive/*Daubert* motion deadline be extended to September 1, 2023.

7. The Parties have conferred in good faith on the extensions of time to respond to discovery requests and extensions of the Case Management Order deadlines, and are hopeful a resolution may be reached that would resolve all issues between the parties and terminate this

litigation in the near term and before litigation reaches the extended deadlines. Further, the extension of these deadlines would allow this litigation, if it is not resolved, to stay on its current track for a January 2, 2024 trial calendar.

8. This motion is not filed for purposes of delay, but is filed for good cause in order to give both the Parties additional time to attempt resolution and, if none may be achieved, to give the Parties time to gather information and documents and respond to the outstanding discovery requests, provide such information and documentation to their experts ahead of their expert designation deadlines, and to designate their expert witnesses in a timely manner. This extension of time will not cause any prejudice to any of the Parties.

WHEREFORE, PREMISES CONSIDERED, Plaintiff/Counter-Defendant Spartan, Third-Party Defendant Hirsch, Defendants/Counter-Plaintiff's/Third-Party Plaintiffs LOD, Think, CCD, and Carter, and Third-Party Defendant Jackson, respectfully request that the Court extend time for the Parties to respond to their respective outstanding interrogatories, requests for production, and requests for admission to April 7, 2023 and amend the Case Management Order [ECF 66] and reset deadlines as follows:

Plaintiffs' expert designation deadline:	May 5, 2023
Defendants' expert deadline:	June 5, 2023
Discovery deadline:	August 18, 2023
Dispositive/ <i>Daubert</i> motion deadline:	September 1, 2023.

RESPECTFULLY SUBMITTED, on this the 13th day of March, 2023.

AC2T, INC.
D/B/A SPARTAN MOSQUITO,
PLAINTIFF/COUNTER-DEFENDANT

JEREMY HIRSCH,
THIRD-PARTY DEFENDANT

BY: *s/Seth M. Hunter (MSB# 101145)*
Jacob D. King (MSB# 104157)
Dukes Dukes & Hunter
P.O. Box 2055
Hattiesburg, MS 39403
Tel: (601) 544-4121
Fax: (601) 544-4425
E-Mail: shunter@jdukeslaw.com
Attorney for Plaintiff/Counter-Defendant
AC2T, Inc. d/b/a Spartan Mosquito,
and Third-Party Defendant Jeremy Hirsch

AGREED AND JOINED:

LIGHTS ON DISTRIBUTORS, LLC,
CCD WEBSTORE, LLC D/B/A THINK WEBSTORE,
CARTER CUSTOM DESIGN, LLC,
AND BRYAN CARTER,
DEFENDANTS/COUNTER-PLAINTIFFS/THIRD-PARTY PLAINTIFFS:

BY: *s/George R. Spatz (Pro Hac Vice)*
AMIN TALATI WASSERMAN LLP
100 S. Wacker Drive, Suite 2000
Chicago, IL 60606
Tel: 312-466-1033
Fax: 312-884-7352
E-Mail: gspatz@amintalati.com

s/J. Chase Bryan (MSB# 9333)
CHRISTIAN SMALL
409 W. Parkway Place, Suite 200
Ridgeland, MS 39157
Tel: 601-427-4031
E-Mail: jcbryan@csattorneys.com

MATTHEW JACKSON,
THIRD-PARTY DEFENDANT:

BY: *s/Michael R. Kelly (MSB# 103547)*
THOMPSON ADDISON, PLLC
2060 Main Street
Madison, MS 39110
Tel: (601) 850.8000
Fax: (601) 499.5219
E-Mail: michael@thompsonaddison.com

CERTIFICATE OF SERVICE

The undersigned herein states that he has this day served upon the following persons at their e-mail addresses listed below a true and correct copy of the foregoing instrument by way of the Electronic Court Filing System for the U.S. District Court for the Southern District of Mississippi:

J. Chase Bryan, Esq.
Christian Small
603 Duling Avenue, Suite 204
Jackson, MS 39216
E-mail: jcbryan@csattorneys.com
*Counsel for Defendants/
Counter-Plaintiffs and Third-Party Plaintiffs*

George R. Spatz, Esq.
Amin Talati Wasserman, LLP
200 S. Wacker Dr., Ste. 2000
Chicago, IL 60606
E-mail: gspatz@amintalati.com
*Counsel for Defendants/
Counter-Plaintiffs and Third-Party Plaintiffs*

Michael R. Kelly, Esq.
Thompson Addison, PLLC
2060 Main St.
Madison, MS 39110
E-mail: michael@thompsonaddison.com
Counsel for Third-Party Defendant Matthew Jackson

RESPECTFULLY SUBMITTED, this the 13th day of March, 2023.

s/Seth M. Hunter (MSB# 101145)